

Article - Education

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§13–404.

(a) This section shall be effective only if the transfer, lease, or other transfer arrangement authorized by this subtitle occurs.

(b) On January 1, 1993, all Montebello University employees shall become employees of the Medical System Corporation.

(c) A Montebello University employee may, at his or her option, become an employee of the Medical System Corporation before January 1, 1993.

(d) (1) On or before January 1, 1993, any Montebello University employee who wishes to transfer to a classified service position of the State shall be treated for purposes of the transfer as if the transfer were in accordance with former Article 64A, § 31 of the Code.

(2) This section may not be construed to confer bumping rights to these employees.

(e) The Medical System Corporation shall permit continuation of State employee organizations to represent former Montebello University employees and to collect dues.

(f) The value of any unused annual leave accrued by the Montebello University employees shall be computed as of the transfer date, and the State shall pay the Medical System Corporation the value of that leave. Upon the request of an employee, the Medical System Corporation shall pay each Montebello University employee the value of such leave, permit each Montebello University employee to take such leave, or permit a combination of pay for such leave and use of such leave. In no event may a Montebello University employee, whether transferring to a University System of Maryland position outside of Montebello, a State position, or a Medical System Corporation position or leaving for a position elsewhere, not receive time off, credit for future time off, or pay for such unused annual leave accrued as of the transfer date and still unused and unpaid as of the date of transfer to another University System of Maryland position or to a State position or as of the date of departure from Montebello. If a Montebello University employee transfers to a University System of Maryland position outside of Montebello or to a State position before being paid for or using annual leave accrued as of the transfer date, the Medical System Corporation shall transfer funds to the University System of Maryland or to the State, as appropriate, equal to unpaid accrued annual leave.

(g) The payment of any settlement or judgment against a State officer or employee incurred or arising in connection with Montebello prior to the transfer date which is not a Montebello liability shall be determined in accordance with § 12-404 of the State Government Article, and, if the Board of Public Works determines to make a payment to satisfy the settlement or judgment, the payment shall be made only from the State General Emergency Fund or the State Insurance Trust Fund.

(h) The Medical System Corporation shall designate legal counsel to represent Montebello University employees determined by the Attorney General to be entitled to legal representation in accordance with § 12-304 of the State Government Article, with respect to acts or omissions in the course of services related to Montebello on or after the transfer date. The Attorney General shall not be responsible for representing the individual for acts or omissions on or after the transfer date. The Medical System Corporation shall be responsible for paying any settlements and judgments approved by the Board of Public Works, in accordance with § 12-404 of the State Government Article, with respect to acts or omissions on or after the transfer date.

(i) If the Board of Public Works determines, as provided in the State Government Article, that any Montebello University employee shall be reimbursed for the cost of defending a criminal claim relating to actions on or after the transfer date in the course of services related to Montebello, the Medical System Corporation shall fund the reimbursement.

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